

**REMARKS**

**I. Status of the Claims**

The Notice of Non-Compliant Amendment (37 C.F.R. § 1.121) dated December 7, 2005 has been received and carefully considered. Accordingly, each claim has been provided with the proper status identifier. It is believed that the listing of claims is in compliance.

The Office Action dated August 23, 2005 has been received and its contents carefully considered. Claims 1-3, 5-10, 12-17, and 19-21 were rejected under 35 U.S.C. §102(e) as being anticipated by Nakagawa et al. (U.S. Publication No. 2003/0095815). Claims 4, 11, 18, and 22-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nakagawa et al. (U.S. Publication No. 2003/0095815) in view of the acknowledged prior art (No. Tukukai-2000-98758). Claims 29-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nakagawa et al. (U.S. Publication No. 2003/0095815) in view of Nakai et al. (U.S. Patent No. 6,564,021).

By this Reply, claims 1, 3, 8, 10, 15, and 17 have been amended; claims 4, 11, 18, and 22-36 have been canceled; and claims 37-42 have been added. Accordingly, claims 1-3, 5-10, 12-17, 19-21, and 37-42 are pending in this application.

Reconsideration and withdrawal of the outstanding rejections are respectfully requested in view of the following remarks.

## **II. Status of the Drawings**

In the Office Action, the drawings were objected to as failing to comply with 37 C.F.R. 1.84(p)(5) because they did not include reference signs mentioned in the description. However, upon further review, item **82R**, as denoted by the Examiner, is shown in FIG. 1 above the intermediate roller **22C**. Regarding items **22D** in FIG. 1 and reference number **9** in FIGS. 2-3, corrections to the drawings have been made. Drawing sheets in compliance with 37 C.F.R. 1.121(d) are included in this reply. It is believed that the drawings as submitted herewith are in compliance.

## **III. Claim Rejections - 35 U.S.C. § 112**

Claims 22-28 and 29-36 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention period. Without conceding the propriety of rejection, claims 22-36 have been cancelled.

## **IV. Claim Rejections - 35 U.S.C. § 102**

Claims 1-3, 5-10, 12-17, and 19-21 were rejected under 35 U.S.C. § 102(e) as being anticipated by Nakagawa et al. Without conceding the propriety of the rejection, independent claims 1, 8, and 15 have been amended. It is respectfully submitted that Nakagawa et al. does not teach, *inter alia*, an image-forming apparatus comprising "a control section for controlling a current value or a voltage value of the transfer section to

control a transfer rate of each of the toner images, wherein the control section controls the transfer section" as recited in claims 1, 8, and 15.

Nakagawa et al. discusses improving printing efficiency in cases of forming images of documents which contain monochrome pages without color images and multi-color pages with color images. (For example, see Paragraph [0009]). In addition, Nakagawa et al. discloses controlling the timing of mode changes from a multi-color image forming mode to monochrome image-forming modes. The control apparatus is utilized to control switching of conveying speed during multi-color image forming and conveying speed during monochrome image forming.

The Examiner purports that Nakagawa et al. discloses a control section for controlling the transfer section, for instance, in FIGS. 8B and 9B. Nakagawa et al. show a structure to control the speed of transfer and a conveyance belt. However, Nakagawa et al. fails to teach structure for controlling the transfer rate such as by controlling a current value for a voltage value of the transfer section to control a transfer rate of each of the toner images as recited in claims 1, 8, and 15. The structure for controlling the transfer rate, as recited in claims 1, 8, and 15, makes it possible, *inter alia*, to control a transfer rate of a toner image of the first color in the second mode (monochrome mode) to be larger than that of a toner image of the first color in the first mode (full color mode).

For anticipation under 35 U.S.C. § 102 the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present (M.P.E.P. 706.02). Since each and every element, as set forth in

the claim, is not found either expressly or inherently described as required by the M.P.E.P., Nakagawa et al. cannot be said to anticipate the invention as recited in claims 1, 8, and 15. Hence, withdrawal of the rejection is respectfully requested.

Claims 2-3, and 5-7 depend from independent claim 1 and are patentable over the cited prior art for at least the same reasons as is claim 1.

Claims 9-10 and 12-14 depend from independent claim 8 and are patentable over the cited prior art for at least the same reasons as is claim 8.

Claims 16-17 and 19-21 depend ultimately from independent claim 15 and are patentable over the cited prior art for at least the same reasons as is claim 15.

#### **V. Claim Rejections - 35 U.S.C. § 103**

Claims 4, 11, 18, and 22-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakagawa et al. in view of Tokukai. Without conceding the propriety of the rejection, claims 4, 11, 18, and 22-28 have been cancelled.

Claims 29-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakagawa et al. in view of Nakai et al. Without conceding the propriety of the rejection, claims 29-35 have been cancelled.

#### **VI. Newly Added Claims**

Claims 37-42 have been added.

Claims 37 and 40 depend from independent claim 1 and are patentable over the cited prior art for at least the same reasons as set forth above with respect to claim 1.

Claims 38 and 41 depend from independent claim 8 and are patentable over the cited prior art for at least the same reasons set forth above with respect to is claim 8.

Claims 39 and 42 depend from independent claim 15 and are patentable over the cited prior art for at least the same reasons as set forth above with respect to claim 15.

## **VII. CONCLUSION**

In view of the foregoing remarks, reconsideration and allowance of this application are believed in order and such action is earnestly solicited.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned patent agent at (202) 408-4328.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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& DUNNER, L.L.P.

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By: 

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Attorney Docket No. 08830.0012-00000  
Application No. 10/781,620

**APPENDIX A**

Attorney Docket No. 08830.0012-00000  
Application No. 10/781,620

**IN THE DRAWINGS:**

Please replace sheets 1, 2 and 3 of the drawings submitted herewith for the sheets of drawings corresponding to FIGS. 1, 2 and 3 pending in the application.

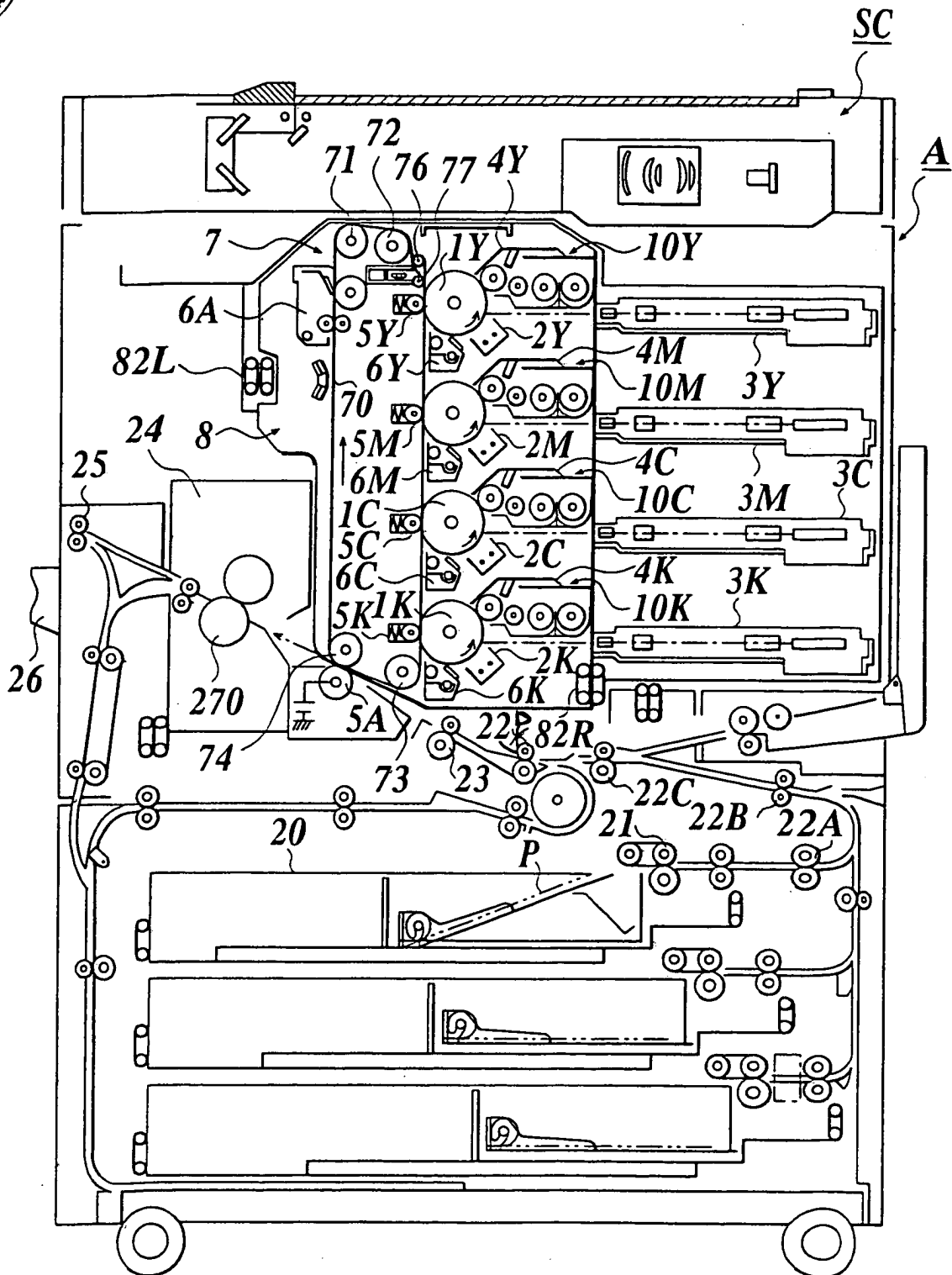


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**APPENDIX B**



1/5  
**FIG.1**



2 / 5  
**FIG.2**

